Why Barack H. Obama Jr is not eligible to be President and is not President of these United States of America

By : Donald R Laster Jr.

drljr_2nd < at > dlaster.com

Replace the " < at > " with an "@" as appropriate.

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It does not matter whether or not Barack Obama Jr was born in Hawaii or not. Because his father was not a citizen of the USA he, Barack Obama Jr, is not a natural born citizen and therefore is not eligible and is therefore not the President of these United States of America. His election was illegitimate as was his name being placed on the ballot. He does not meet the qualifications to hold the office.

Now someone is going start screaming "Birther" and ignore the simple and publicly acknowledged facts and issues. I started looking into this out of curiosity back in the January/February 2010 time frame because of all of the attacks on anyone who questioned Barack Obama Jr's eligibility to exercise Presidential authority. I started with a simple search on the INTERNET and eventually found the web site http://www.theobamafile.com/ and looked at the various documents and links that were available from the site. Here is what I discovered from doing simple research of the available links along with information I have known for a long time.

In order for a person to be eligible and to be President the following qualifications have to be met first, in reverse order of specification in Article 2, Section 1, Paragraph 5 of the USA Constitution, which is a contract :

1. The person must have been a resident in the United States for the last 14 years or more.

2. The person must have attained the age of 35 or be older than 35.

3. The person must be a natural born citizen or be a citizen of the United States at the time the US Constitution was adopted - i.e. be at least 222 or 223 years old (I don't know anyone who comes close to meeting the grandfather clause).

We know Barack Obama Jr has been a resident of the United States for more than the last 14 years and we know he is more than 35 years old. So the question is "Is Barack Obama Jr “natural born citizen". For the "Birther" who claim Barack Obama Jr was not born in Hawaii the question is moot.

But what does the term "natural born citizen" mean? When one does the research we find the treatise "Law of Nations" written by Monsieur De Vattel and published in 1758 is the source and legal definition of the term. This is the document that was known to those who wrote the Constitution of the United States of America. In Book 1, Chapter 19, Paragraph number 212 it states in French

> Les Naturels, ou Indigènes font ceux qui font nés dans le pays, de Paren Citoyens.

In the 1760 English translation of this work this sentence is translated as

> Its *natives* are those who are born in the country parents who are citizens.

The later translations translate this sentence as

> The natives, or natural-born citizens, are those born in the country, of parents who are citizens.

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The word French word "Indigènes" is the English "Indigenous". The word was adopted in to the English language and "anglicized". The word has the meanings

1. Native; born in a country; applied to persons.

2. Native; produced naturally in a country or climate; not exotic; applied to vegetables.

when one examines the dictionaries[1] of the time.

This is the first indication of what the term "natural born citizen" means. Now some are going to say that Law of Nation was not in use. But the following excerpt from Ben Franklin's letter to Charles Dumas clearly show the Law of Nation was known to the founders.

PHILADELPHIA, December 19, 1775

DEAR SIR:

. . . . I am much obliged by the kind present you have made us of your edition of Vattel. It came to us in good season, when the circumstances of a rising State make it necessary frequently to consult the law of nations. Accordingly, that copy which I kept (after depositing one in our own public library here, and sending the other to the College of Massachusetts Bay, as you directed) has been continually in the hands of the members of our Congress now sitting, who are much pleased with your notes and preface, and have entertained a high and just esteem for their author. . . . .

Letter to American diplomat Charles Dumas

Memoirs of Benjamin Franklin

reprinted in 1859, v.1, p. 297

. . . . This copy [presented by Dumas to the Philadelphia library] undoubtedly was used by the members of the Second Continental Congress, which sat in Philadelphia; by the leading men who directed the policy of the United Colonies until the end of the war; and, later, by the man who sat in the Convention of 1787 and drew up the Constitution of the United States, for the library was located in Carpenters' Hall, where the First Congress deliberated, and within a stone's throw of the Colonial State House of Pennsylvania, where the Second Congress met, and likewise near where the Constitution was framed.

Introduction to Vattel's book, edition of Carnegie Endowment, v. iii, p. xxx, note 1.

It is also clear that Vattel's work was cited when one looks at the records from the Constitutional Convention[2]. This is further reinforced with when the significance of the term is considered with the letter written to George Washington by John Jay during the Constitutional Convention that created the contract represented by the US Constitution

> Permit me to hint, whether it would be wise and reasonable to provide a strong check to the admission of Foreigners into the administration of our national Government; and to declare expressly that the Commander in Chief of the American army shall not be given to nor devolve on, any but a natural born Citizen.

What we find is that a special significance in regards to the type of citizenship that is accorded to a

1 http://www.1828-dictionary.com/d/search/word,indigenous

2 http://rs6.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(fr003452))

person born in a country when both of the person's parents are citizens of the country.
In a 1789 article, David Ramsay[3] explained who the "original citizens" were and then defined the "natural born citizens" as the children born in the country to citizen parents. He said concerning the children born after the declaration of independence :

> "[c]itizenship is the inheritance of the children of those who have taken part in the late revolution; but this is confined exclusively to the children of those who were themselves citizens…."
>
> "citizenship by inheritance belongs to none but the children of those Americans, who, having survived the declaration of independence, acquired that adventitious character in their own right, and transmitted it to their offspring…."
>
> "as a natural right, belongs to none but those who have been born of citizens since the 4th of July, 1776…."

Congress in 1790 extended the definition of natural born citizen to include persons born to parents who were citizens of the US. The law stated

> And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens; *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States; *Provided also*, That no person heretofore proscribed by any state, shall be admitted a citizens as aforesaid, except by an act of the legislature of the state in which such person was proscribed.(a)"[4]

This law was repealed in 1795.[5] And children born under the circumstances were simply declared citizens and not natural born citizens.

In addition to the historical record of Founders referencing Law of Nation including George Washington's failure to return his borrowed library copy back to the library.

The record is clear those who helped found the United States and those who wrote the U.S. Constitution both knew of and used Monsieur De Vattel's treatise Law of Nation. Research indicates that the text is in fact the "common law" of the United States. In the early history of the country Monsieur De Vattel's treatise Law of Nation has even been referenced by the United States Supreme Court.

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3 David Ramsay (April 2, 1749 to May 8, 1815) was an American physician, patriot, and historian from South Carolina and a delegate from that state to the Continental Congress in 1782-1783 and 1785-1786. He was the Acting President of the United States in Congress Assembled. He was one of the American Revolution's first major historians. A contemporary of Washington, Ramsay writes with the knowledge and insights one acquires only by being personally involved in the events of the Founding period. In 1785 he published History of the Revolution of South Carolina (two volumes), in 1789 History of the American Revolution (two volumes), in 1807 a Life of Washington, and in 1809 a History of South Carolina (two volumes).

4 See http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=226 and http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=227

5 See http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=538

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The Supreme Court reference the definition of natural born citizen in 1814 in the opinion The Venus, 12 U.S. 253 (1814)[6]. Justice J. Washington of the Supreme Court stated

> "The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives or indigenes are those born in the country of parents who are citizens. Society not being able to subsist and to perpetuate itself but by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights."

In this case Justice J. Washington just used the English version of the word "indigenes" meaning

> "One born in a country; a native animal or plant."[7].

Justice J. Washington translated the French text of Monsieur De Vattel's The Low of Nations Book 1, Chapter 19, Paragraph Number 212 himself according to the records of the time.

In the Supreme Court decision Shanks v. Dupont, 28 U. S. 242 (1830)[8] we find that the Court directly references the The Law of Nation in the following paragraphs and the concepts of that text.

> If she was not of age then, under the circumstances of this case, she might well be deemed to hold the citizenship of her father, for children born in a country, continuing while under age in the family of the father, partake of his natural character as a citizen of that country.
>
> It is of importance here that it should be held in view that we are considering political, not moral, obligations. The latter are universal and immutable, but the former must frequently vary according to political circumstances. It is the doctrine of the American court that the issue of the Revolutionary War settled the point, that the American states were free and independent on 4 July, 1776. On that day, Mrs. Shanks was found under allegiance to the State of South Carolina as a natural born citizen to a community, one of whose fundamental principles was that natural allegiance was unalienable, and this principle was at no time relaxed by that state by any express provision, while it retained the undivided control over the rights and liabilities of its citizens.

The Supreme Court in Scott v Sanford, 60 U.S. 393 (1857)[9] Justice Daniel in a separate opinion quoted The Law of Nations extensively in his pre-Amendment 14 opinion.

> Thus Vattel, in the preliminary chapter to his Treatise on the Law of Nations, says:
>
> Nations or States are bodies politic, societies of men united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their mutual strength. Such a society has her affairs and her interests, she deliberates and takes resolutions *in common,* thus becoming a moral person who possesses an understanding and a will peculiar to herself.
>
> Again, in the first chapter of the first book of the Treatise just quoted, the same writer, after

6 http://supreme.justia.com/us/12/253/case.html
7 http://www.1828-dictionary.com/d/search/word,indigene
8 http://supreme.justia.com/us/28/242/case.html
9 http://www.law.cornell.edu/supct/html/historics/USSC_CR_0060_0393_ZX2.html

> repeating his definition of a State, proceeds to remark that,
>
> from the very design that induces a number of men to form a society which has its common interests and which is to act in concert, it is necessary that there should be established a public authority to order and direct what is to be done by each in relation to the end of the association. This political authority is the *sovereignty.*
>
> Again, this writer remarks: "The authority of *all* over each member essentially belongs to the body politic, or the State."
>
> By this same writer it is also said:
>
> The citizens are the members of the civil society, bound to this society by certain duties, and subject to its authority; they *equally* participate in its advantages. The natives or natural-born citizens are those born in the country of parents who are citizens. As society **[p477]** cannot perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their parents, and succeed to all their rights.
>
> Again:
>
> I say, to be *of the country,* it is necessary to be born of a person who is a *citizen,* for if he be born there of a foreigner, it will be only the place of his *birth,* and not his *country.* The inhabitants, as distinguished from citizens, are foreigners who are permitted to settle and stay in the country.
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> Vattel, Book 1, cap. 19, p. 101.

Once again the term "natural born citizen" is distinctly referenced.

The Supreme Court in Minor v. Happersett (1874) 21 Wall. 162, 166-168[10] Chief Justice Waite wrote

> The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common-law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also. These were natives, or natural-born citizens, as distinguished from aliens or foreigners. Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first.

In United States v Wong Kim Ark 18 S. Ct. 456 (1898) the Supreme Court

> That in the year 1890 the said Wong Kim Ark departed for China, upon a temporary visit, and with the intention of returning to the United States, and did return thereto on July 26, 1890, on the steampship Gaelic, and was permitted to enter the United States by the collector of ustoms, upon the sole ground that he was a native-born citizen of the United States.
>
> That, after his said return, the said Wong Kim Ark remained in the United States, claiming to be a citizen thereof, until the year 1894, when he again departed for China upon a temporary visit, and with the intention of returning to the United States, and did return thereto in the month of August,

10 See http://www.law.cornell.edu/supct/html/historics/USSC_CR_0088_0162_ZO.html

> 1895, and applied to the collector of customs to be permitted to land; and that such application was denied upon the sole ground that said Wong Kim Ark was not a citizen of the United States. That said Wong Kim Ark has not, either by himself or his parents acting for him, ever renounced his allegiance to the United States, and that he has never done or committed any act or thing to exclude him therefrom.'

Because of Amendment 14 Wong Kim Ark wasa citizen of the United States. Even though his parents where not U.S. Citizens.

In Perkins, Secretary of Labor, et al. v Elg. 59 S.Ct. 884 (1939) we find a different scenario. Marie Elizabeth Elg was born to parents who were naturalized citizens who later returned to their country of origin and renounced their US Citizenship. Her mother became a US Citizen due to the naturalization of her husband in accordance with the laws of the time. In this case she was declared to be a "natural born citizen".

What has happened over the years is that often the difference between a natural born citizen, or a person who is born in the country of parents who are citizens; and a native born citizen, or a person who has 1 citizen parent or is born under the provisions of Amendment 14 has been obscured by the misuse of the terms. The Supreme Court ruling Elk v Wilkins, 112 U.S. 94 (1884)[11] contains a detailed discussion of Amendment 14 citizenship and the operation of the clause "and subject to the jurisdiction thereof".

When one looks at the various types of citizenships that exist in the United States one finds there are three types. A person at birth can be one of two types of citizens in the United States. The third type of citizenship only applies to foreign nationals who become a citizen. The three types are

- A natural born citizen is both parents are citizen of the country and the child is born in the country. In the case of the United States you have to be born in one of the 50 States. Remember, Washington, DC is part of the State of Maryland that is on loan to the general government under the provisions of Article 1, Section 8, Paragraph 17. The territories and possessions are not part of the United States. Only the States are actually part of the United States. Congress in 1790 extended this definition and then restored the original definition in 1795. The key is both parents have to be citizens at the time of birth of the child and the child has to be born in the country. And bases in the USA itself are still part of the State in which they are located.

- A naturalized citizen is a foreign national who becomes of a citizen of the country. These are people who are covered under the basic rules established by Congress using Article 1, Section 8, Paragraph 4. When Hawaii became a territory of the USA under Title 8, Section 1405 the citizens of the Republic of Hawaii were declared citizens. They key is the person was never a citizen before and became a citizen. Or you were a citizen and then gave it up and then became a citizen again. I know a case where a women left the USA, became a citizen of Mexico and has been denied US citizenship and is not allowed back in except for short visits to her family. She is extremely anti-USA. I heard about the case in the 1990s.

11 See http://supreme.justia.com/us/112/94/

- A native born citizen basically covers all of the other variations. These are the examples and descriptions I have read from the various cases and descriptions.

  A child born out of the country of parents who are citizens of the country. This sometimes can create a dual-citizenship status depending upon the country the child is born in. This is John McCain's situation. And yes this means John McCain was not eligible to be President either.

  A child born out of the country where one parent is not not a citizen of the country and the other parent is. This is classic dual-citizenship status. Some people claim this is Barack Obama Jr's situation and say his mother was too young to pass on USA citizenship. I have not found anything to support this view and in fact have found law indicating she still would have given Barack Obama Jr citizenship - the age is 14 in the law. The evidence at best indicates she was visiting Kenya and had not taken up residence. Even if this is Barack Obama Jr situation he would still not be eligible to be President of the United States of America.

  A child born in the country where one parent is not a citizen of the country and the other parent is a citizen. Another case of dual-citizenship. This appears to be Barack Obama Jr's situation based upon the currently publicly available information. Which means he is not eligible to be President. The definition of "natural born citizen" requires both parents be citizens of the country in question.

  A child born in the country where both parents are not citizens. This is the normal situation for children born to immigrant parents. The child may have dual-citizenship. This does not apply to children born to illegal aliens or visitors. Amendment 14 has a conditional clause that excludes children born to illegal aliens and visitors. You have to be "subject to the jurisdiction" and illegal aliens and visitors are not. Think of diplomats - same rules. Some writings have indicated the 1965 immigration laws might grant citizenship to children born to illegal aliens or visitors. The specific sections of the current law have not been specified in these writings. But this would be an Article 1, Section 8, Paragraph 4 issue and not a Amendment 14 related issue.

What we find is that because Barack Obama Sr was a British Citizen, or National, at the time of Barack Obama Jr birth Barack Obama Jr was both an USA and British citizen. That means Barack Obama Jr can never be natural born citizen. A natural born citizen can never hold more than a single citizenship at the time of birth. Even if Barack Obama Jr was born in Hawaii the fact that his father is a British citizen precludes Barack Obama Jr from being a natural born citizen.

A natural born citizen requires both parents be citizens of the country and the person be born in the country. We also know that Barack Obama Jr was a dual citizen and that he was both a British and US citizen. The evidence indicates that before age 21 Barack Obama Jr actually held the citizenship of four (4) different countries. That is citizenship of the countries of the United States, Great Britain, Kenya and Indonesia (due to adoption by an Indonesian citizen).

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Barack Obama Jr did not lose his British/Kenyan citizenship until he turned 21 when he failed to declare himself a British/Kenyan citizen. The simple fact he has more than one (1) citizenship at birth clearly precludes Barack Obama Jr from being a natural born citizen since the definition of natural born citizen itself precludes the ability to have citizenship of more than one (1) country. Therefore one has no choice but to conclude Barack Obama Jr can not be President of the United States, his placement on the ballot was unconstitutional, and thus his selection by the Electoral College was fraudulent and is null and void.

So since Barack Obama can never be a natural born citizen and never legitimately be President what does that mean for his exercise of Presidential authority and his selection for the Presidency? Any bill he signs, executive order issued, treaty signed or appointment made is null and void. Anything he or a person he delegates authority to is not valid either - nothing he does is valid. After all if a person was never was eligible to exercise the authority and power in the first place the acts the person does are invalid as well. Barack Obama Jr's election is no different from a British House of Commons' election where a US citizen who have never stepped foot in the UK and is not eligible to hold office in the UK is placed on the ballot and wins the election. I doubt any one in UK would accept such as election as valid.

But we then have to ask the next question. If Barack Obama's election is invalid, is Joseph Biden actually Vice-President of the United States? The answer is no. Under Amendment 12 of the United States Constitution the President and Vice-President are elected as a team. If one can not be elected the other can not be elected either. So who is President and Vice-President. In this case the Speaker of the House is not in line to take the Presidency. This is because during the last election no eligible candidate was running who received the required number of elector college votes. The United States of America is in an Amendment 20 situation.

Since neither Barack Obama Jr or John McCain are legitimate under the requirements of Article 2, Section 1, Paragraph 5, and the corresponding Vice-President candidates are not valid under Amendment 12 and 20. It is now up to the Congress of the United States to elect a President and a Vice-President in accordance with the rules of Amendment 20.

Welcome to the Constitutional Crisis that has been created by the failure to follow the Constitutional contract.